



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Website: kbml.ky.gov

Summer 2009

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Standards of Acceptable and Prevailing Medical Practice Relating to Physical Examinations By Physicians

The Board has determined that the following principles constitute the standards of acceptable and prevailing medical practice relating to physical examinations by physicians.

Patient complaints of sexual misconduct by physicians are the most sensitive and difficult the Board investigates. The incidents are rarely witnessed. Allegations of sexual misconduct are particularly difficult to prove and can lead to public humiliation for both the patient and the physician involved.

Physicians will, of course, continue to routinely perform physical examinations in the course of patient care out of medical necessity and professional responsibility. In order to prevent misunderstandings and protect physicians and their patients from allegations of sexual misconduct, the Board offers the following opinion regarding physical examinations by physicians:

1. Maintaining patient dignity should be foremost in the physician's mind when undertaking a physical examination. The patient should be assured of adequate auditory and visual privacy and should never be asked to disrobe in the physician's immediate presence. Examining rooms should be safe, clean and well-maintained, and should be equipped with appropriate furniture for the examination and treatment (examining table, chairs, etc). Gowns, sheets and/or other appropriate apparel should be made available to protect patient dignity and decrease embarrassment to the patient while promoting a thorough and professional examination.

2. A third party should be readily available at all times during a physical examination, and it is suggested that the third party be actually present when the physician performs an examination of the sexual and reproductive organs or rectum. It is incumbent upon the physician to inform the patient of the option to have a third party present. This precaution is essential regardless of physician/patient gender.

3. The physician should individualize his/her approach to physical examinations so that the patient's apprehension, fear and embarrassment are diminished as much as possible. An explanation of the necessity of a complete physical examination, the components of that examination and the purpose of disrobing may be necessary in order to minimize the patient's apprehension and possible misunderstanding.

4. The physician and his/her staff should exercise the same degree of professionalism and caution when performing diagnostic procedures (i.e. electrocardiograms, electromyograms, endoscopic procedures and radiological studies, etc.) as well as surgical procedures and post-surgical follow-up examinations when the patient is in varying stages of consciousness.

5. The physician should be alert to suggestive or flirtatious behavior or mannerisms on the part of the patient and should not put him or herself in a compromising position.

6. The physician shall not exploit the physician/patient relationship for sexual or any other purposes. Moreover, such an allegation against a physician constitutes grounds for investigation on the basis of alleged unethical behavior.

Physicians should also be aware that any failure to conform to the principles of medical ethics of the American Medical Association constitutes unprofessional conduct, in violation of Board statutes.

Board Actions Report (Actions taken since 04/01/09)

Jack E. Allen, M.D., Louisville, KY, License # 22210
Agreed Order of Indefinite Restriction entered into 04/16/09

Wenceslao V. Alzadon, M.D., Prestonsburg, KY, License # 39571
Agreed Order of Indefinite Restriction entered into 04/16/09

Rajanbhai R. Amin, M.D., Louisville, KY, License # 19340
Second Amended Agreed Order entered into 04/14/09

Alex F. Argotte, M.D., Paducah, KY, License # 36267
Agreed Order of Suspension and Probation entered into 05/11/09

Benjamin W. Begley, M.D., Oshkosh, WI, License # 42612
Agreed Order of Fine entered into 04/13/09

Barry J. Belcher, D.O., Charleston, WV, License # 03179
Agreed Order of Fine entered into 05/06/09

Milton L. Brindley, M.D., Augusta, KY, License # 16208
Agreed Order of Indefinite Restriction entered into 05/13/09

Paul A. Clark, M.D., Lexington, KY, License # 25147
Second Amended Agreed Order of Indefinite Restriction entered into 04/23/09;
Agreed Order entered into 06/12/09

Steven W. Crawford, M.D., Beaver Creek, OH, License # 31192
Order Terminating Amended Agreed Order of Probation issued 04/23/09

W. Rex Duff, M.D., South Shore, KY, License # 13338
Order Setting Aside Order of Indefinite Restriction and Dismissing Complaint issued 06/04/09

John T. Ebert, M.D., Hopkinsville, KY, License # 31114
Order of Revocation issued 06/04/09

William B. Evans, M.D., Louisville, KY, License # 38135
Agreed Order of Indefinite Restriction entered into 04/03/09

Michael D. Finn, M.D., St. Louis, MO, License # 30044
Order Terminating Amended Agreed Order of Indefinite Restriction issued 04/23/09

Kermit D. Gibson, D.O., Elkhorn City, KY, License# 02080
Order Terminating Amended Agreed Order of Indefinite Restriction issued 06/04/09

Robert B. Gray, M.D., Hattiesburg, MS, License # 35942
Agreed Order of Indefinite Restriction entered into 06/22/09

Brian A. Greenlee, M.D., Somerset, KY, License # 35215
Amended Agreed Order of Indefinite Restriction entered into 04/16/09

Charles G. Grigsby, M.D., Lexington, KY, License # 13046
Agreed Order entered into 04/16/09

John A. Halpin, M.D., Palm Beach, FL, License # 15505
Order Denying License issued 05/06/09

James H. Heaphy, M.D., Lexington, KY, License # 26270
Agreed Order of Surrender entered into 04/16/09

Thomas G. Hughes, M.D., Louisville, KY, License # 34678
Order Terminating Second Amended Agreed Order of Indefinite Restriction issued 06/09/09

Margaret K. Husk, M.D., Louisville, KY, License # 41999
Order Terminating Agreed Order issued 04/23/09

Louis A. Leskosky, M.D., Paducah, KY, License # 34939
Order Terminating Second Amended Agreed Order issued 06/04/09

Sean M. Maguire, M.D., Louisville, KY, License # 28821
Third Amended Agreed Order of Indefinite Restriction entered into 06/11/09

Mathew T. McCune, Louisville, KY, License # 42613
Agreed Order of Fine entered into 04/14/09

Gorden T. McMurry, M.D., Louisville, KY, License # 14174
Agreed Order entered into 06/18/09

Robert J. Middleton, M.D., Louisville, KY, License # 30608
Agreed Order of Indefinite Restriction entered into 06/18/09

Dennis R. Northrip, M.D., Lexington, KY, License # 23287
Amended Agreed Order entered into 06/08/09

Arif M. Omar, M.D., Richmond, KY, License # 32517
Agreed Order entered into 04/03/09

Buddy Pastrano-Lopez, M.D., Madisonville, KY, License # 34381
Agreed Order entered into 06/16/09

Board Actions Report (Actions taken since 04/01/09)

Sean M. Rogers, M.D., Somerset, KY, License # 41322

Second Amended Agreed Order of Indefinite Restriction entered into 05/21/09. Third Amended Agreed Order of Indefinite Restriction entered into 06/18/09

Hamid Sheikh, M.D., Lexington, KY, License # 17538

Order of Revocation issued 04/29/09, effective 05/04/09

Victor J. Shpilberg, M.D., Louisville, KY, License # 27077

Agreed Order entered into 05/03/09

Mitchell E. Simons, M.D., Ft. Thomas, KY, License # 21522

Order Terminating Agreed Order issued 05/22/09

Carolyn V. Smith, M.D., Louisville, KY, License # 31089

Agreed Order entered into 06/04/09.

Pamela A. Wells, M.D., Louisville, KY, License # 35309

Third Amended Agreed Order of Indefinite Restriction entered into 06/02/09

Restrictions have also been placed on the following physicians' licenses pending resolution of charges brought against these physicians:

Robert L. Nold, M.D., Louisville, KY, License # 14814

Complaint and Emergency Order of Suspension issued 04/02/09, effective 04/03/09

Richard J. Zajac, M.D., Bowling Green, KY, License # 36620

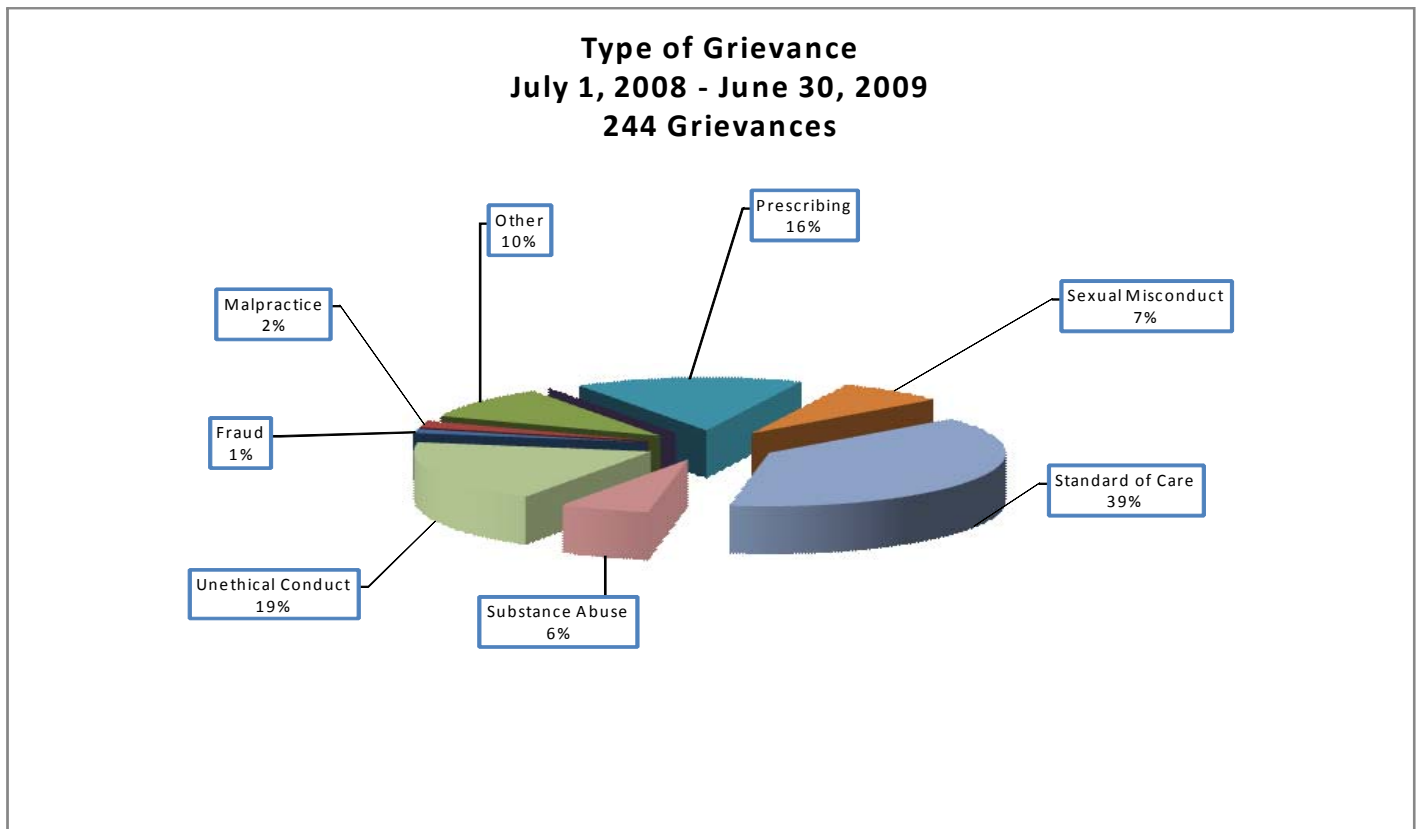
Complaint and Emergency Order of Suspension issued 06/12/09, effective 06/15/09

Proper Disposal of Records

KRS 365.725 requires businesses, including medical offices, to "take reasonable steps to destroy, or arrange for destruction of, that portion of [their] records containing personally identifiable information by shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable or indecipherable through any means. Please be sure that you are in compliance with all laws governing the disposal of records. For purposes of this statute, "personally identifiable information" includes but is not limited to information such as names, addresses, phone numbers, dates of birth, medical information, and payment information recorded or preserved in any medium.

Types of Grievances

The chart below depicts the types and percentages of grievances received in the Board's office for the past fiscal year. A total of 244 grievances were filed against physicians practicing in the Commonwealth.



Kentucky Board of Medical Licensure

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at kbml.ky.gov.

(Please Print or Type Information)

Date: _____

KY License Number: _____

Name: _____
(last) (first) (m.i.)

Mailing Address: _____
(street)

(city) (state) (zip)

KY Practice County: _____ **Office Telephone:** _____

Practice Address: _____
(street)

(city) (state) (zip)

E-Mail Address: _____

Kentucky Board of Medical Licensure

Hurstbourne Office Park
310 Whittington Parkway, Suite 1B
Louisville, KY 40222

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